SINGLE BENCH (1)

CANCEL

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

Writ Petition No.147 of 2005

Petitioners
Plaintiffs : 1. Smt. Dhanush Kunwar,w/o.Chatur Singh aged about 65 years, R/o. Tilak Nagar Tahsil & District – Bilaspur (Chhattisgarh)

2. Smt. Pratibha w/o. Atul Singh Tilak Nagar , Tahsil & Distt. Bilaspur (Chhattisgarh)

Vs.

Respondents
Defendants :

1. Smt. Priya W/o. Niranjan Dixit (Architect) Balaghat (M.P.)

2. Smt. Priti w/o. Vidum Kohahape LIC , Raipur (Chhattisgarh)

3. Smt. Anita w/o. Arun Kumar

All Resident of Tilak Nagar , Bilaspur
All R1 to R3 Legal representative of deceased Arun Kumar..

4. Dilip Kumar aged about 49 years s/o. Late Madhukar Rao.

5. Smt. Bapi aged about 56 years, D/o. Late Madhukar Rao.

6. Smt. Kanchan aged about 56 years.

7. Smt. Ranjana aged about 44 years,

8. Ballu aged about 54 years,.

9. Smt. Deepa , aged about 41 years.

All 3 to 9 sons and daughters of Madhukar Rao Kanohar, Resident of Tilak Nagar , Bilaspur Tahsil & District – Bilaspur (Chhattisgarh)

P.R. No. 1463/05
Presented by Shri Sanjay Singh
dated 05.04.05

OTARY
. R. Nirala
ARY (ADVOCATE)
aspur. (C.G.)
g No. 14/17
23-9-02
CHHATTISGARH.

Writ Petition under Article 227 of the constitution of India for issuance of appropriate writ, writs , order or direction etc.

XI-HC-22

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.1421..... **सन्** 2005

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

15.04.2005:-

Shri Sanjay K.Agrawal, learned counsel for the petitioners.

This petition is directed against the order dated 14.12.1998 passed by VIth Civil Judge, Class-II in Civil Suit No. 111-A/98 and by which the application of the petitioner for amendment in the plaint to incorporate a pleading of perfection of title through adverse possession has been dismissed.

It is submitted by counsel for the petitioners that earlier a civil revision was preferred by the petitioners which was dismissed by this Court vide order of Annexure P/6 on the ground that the same is not maintainable. It is further submitted by counsel for the petitioners that the application for amendment has been simply dismissed on the ground that it has been made belatedly and thus, the Court below has failed to exercise the jurisdiction which was vested in it.

I have heard learned counsel for the petitioners and gone through the application for amendment and reply to the said application by the defendants.

Learned Civil Judge has rejected the application for amendment by recording a finding that prior to filing of this application number of applications for amendment were moved by the plaintiff and as such there is no explanation for moving this application for amendment belatedly. It also appears from the record that the suit has been filed in the year 1980 and written statement was filed in the year 1991 and the application for

(पीछे देखिये)

XI-HC-22

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.(C).1431..... सन् 200 5

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

amendment was moved after seven years of filing of written statement and there is no explanation for delay in filing this application.

In view of the above facts and further considering the fact that the Court below in exercising the jurisdiction vested in it, has rejected the amendment application, I do not consider present to be a fit case which calls for any interference under Article 227 of the Constitution by this Court. Accordingly, the petition is dismissed at the admission stage itself.

Sd/-
Dhirendra Mishra
Judge

(पीछे देखिये)